

United States District Court  
Eastern District Of Wisconsin  
Eastern District

U.S. DISTRICT COURT  
EASTERN DISTRICT-WI  
FILED

'08 MAY 14 P3:12

Lester A. Rasberry  
Federal Registration No. 08767-089  
U.S. Penitentiary-- Big Sandy  
P.o.Box 2068  
Inez, Kentucky 41224

JON W. SANFILIPPO  
CLERK

Docket No.

Plaintiff

-vs-

Officer Timothy Bandt  
Milwaukee Police Officer, Intelligence Division Gang Crimes Unit  
Milwaukee Police Department

and

Officer Anthony Randazzo  
Milwaukee Police Officer  
Milwaukee Police Department

and

Detective Mary Schmitz  
Milwaukee County Sherriff's Officer, Detective  
Milwaukee County Sherriff's Office

and

Detective Gilbert Carrasco  
Milwaukee County Sherriff's Officer, Detective  
Milwaukee County Sherriff's Office

and

Unknown Members Of The Milwaukee Police Department Tactical Enforcement Unit (TEU)

and

Unknown Members Of The Milwaukee Police Department Intelligence Division Gang Crimes Unit

08-C-0425

## COMPLAINT

The plaintiff, **LESTER A. RASBERRY**, pro se, respectfully unto this Honorable Court as follows in support of his **COMPLAINT** herein, seeking compensatory and punitive damages pursuant to Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971):

1. The plaintiff is a federal prison housed at the U.S Penitentiary- Big Sandy, P.o Box 2068, Inez, Kentucky 41224.

2. On December 27, 2006, the defendants, Officer Timothy Bandt, Officer Anthony Randazzo, Detective Gilbert Carrasco, Detective Mary Schmitz, Unknown Members Of The Milwaukee Police Department Tactical Enforcement Unit (TEU), and Unknown Members Of The Milwaukee Police Department Intelligence Division Gang Crimes Unit, are officers that abused their authority under the color of law that led to conviction and incarceration of plaintiff.

## STATEMENT OF FACTS

3. On August 17, 2007, the plaintiff was convicted upon plea agreement in this court for Possession of a firearm by a felon,

4. The plaintiff was sentenced to a term of 77 months imprisonment and 3 years supervision on August 17, 2006.

5. On December 27, 2006, defendant Timothy Bandt made application to the Circuit Court of the First Judicial District of Wisconsin ordering a search warrant for the premises of 9216 W. Birch st. apt# 2 occupied by Lester A. Rasberry.

6. On Wednesday 12-27-06 at 3:46 p.m. at 9216 W. Birch st. apt# 2, unknown defendants of the Milwaukee Police Department Tactical Enforcement Unit, Intelligence Division Gang Crimes Unit, Officer Timothy Bandt, Officer Anthony Randazzo, Detective Gilbert Carrasco, and Mary Schmitz executed a "NO-KNOCK" firearms search warrant.

7. The target of this investigation was Lester A. Rasberry of this address.

## STATEMENT OF CLAIMS

8. On December 27, 2006 defendants Timothy Bandt swore recklessly in preparing the affidavit, an the warrant was so lacking in probable cause to believe that the plaintiff were committing or would commit the foregoing offense.

9. The defendants never attempted any form of investigative or surveillance techniques on or prior to this date of the application.

10. The foregoing conduct was perpetrated by the defendants under color of federal law in violation of the plaintiff's right to be free from unreasonable searches and seizures guaranteed by the Fourth Amendment of the Constitution.

11. Wherefore, the plaintiff, Lester A. Rasberry, pro se, respectfully request that this Honorable Court enter a judgement on behalf of the plaintiff against the defendants, jointly and severally, in the amount of **FIFTY MILLION 00/100 DOLLARS** (\$50,000,000.00) compensatory damages and **TWENTY-FIVE MILLION 00/100 DOLLARS** (\$25,000,000.00) as punitive damages and/or other; and the plaintiff respectfully request that this Honorable Court grant such an further general relief that the court might deem just, fair, and appropriate under the circumstances set forth herein.

LESTER A. RASBERRY  
PRO SE